BY-LAWS

of the

TOWN OF ARLINGTON

AS AMENDED TO AUGUST 1, 1950

together with

TOWN MEETING ACT

and

LEGISLATIVE ACTS AFFECTING THE TOWN

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BY-LAWS OF THE TOWN OF ARLINGTON

ARTICLE 1

TOWN MEETINGS

Section 1. The Annual Town Meeting shall be on the first Monday of March in each year and all Town Boards and officers shall report to that meeting.

Section 1A. In accordance with the provisions of Section 4 of Chapter 43A of the General Laws, entitled "Standard Form of Representative Town Meeting Government", accepted by the Town at the Annual Meeting of 1935, and any amendments thereof and additions thereto, the following officers are designated as and shall be town meeting members at large, namely: the town moderator, the town clerk, the town treasurer, the town collector of taxes, the chairman of the board of selectmen, the chairman of the board of public works, the chairman of the assessors of taxes, the chairman of the school committee, the chairman of the planning board, the chairman of the park commissioners, the chairman of the board of health, the chairman of the sinking fund commissioners, the chairman of the trustees of the Robbins Library, the chairman of the cemetery commissioners, and the chairman of the finance committee.

Section 2. The Selectmen shall, before calling a Town Meeting, post a notice of their intention so to do, in each precinct in the town, at least five days before closing the warrant calling the meeting. A copy of the warrant for a meeting shall be posted in each precinct at least seven days before the day of the meeting and a copy left at every dwelling house in the town previous to the day of meeting. The Town Clerk shall mail to every Town Meeting Member a notice of the time and place at which each representative town meeting is to be held at least seven days before the meeting and shall also cause notice of such meeting to be published in at least one local newspaper. The Town Clerk

shall mail to every Town Meeting Member a notice of the time and place at which any adjourned session of a representative Town Meeting is to be held at least twelve hours before such session and shall also cause a notice of such session to be posted in each precinct.

Section 2A. A record of the attendance of Town Meeting Members at all representative Town Meetings shall be made under the direction of the Town Clerk, said record to be available to the public.

Section 3. All business of the Annual Meeting, except the election of officers and matters to be determined by ballot, shall be considered at an adjournment thereof, the date of said adjournment to be determined by the selectmen and embodied in the warrant calling the meeting.

Section 4. No action shall be taken by any Town Meeting on the report of any Committee, previously chosen, unless the same shall be specified in the warrant calling said meeting.

ARTICLE 2

RULES FOR GOVERNMENT OF TOWN MEETINGS

Section 1. All questions or motions submitted for the consideration of the Town Meeting shall be reduced to writing if required by the presiding officer.

Section 2. No person shall speak more than twice upon any question, except to correct an error, or to make an explanation, without first obtaining leave of the meeting, nor until others, who have not spoken upon the question, shall speak if they so desire.

Section 3. No person shall speak for more than five minutes for the second time on any subject, if there are other citizens who desire to speak on the subject but have not, without first obtaining leave of the meeting.

Section 4. Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs.

Section 5. All votes, unless otherwise provided by law, shall be taken in the first instance by a "Yes" and "No" voice vote. If the Moderator is in doubt as to the vote, or if five voters immediately question the vote, the Moderator shall call either for a standing vote or a roll call.

Section 6. On all questions submitted for the consideration of the Town Meeting there shall be a roll call when requested by twenty or more Town Meeting Members present at the meeting.

Section 7. When a question is under debate, motions shall be received to adjourn, to lay on the table, the previous question, to postpone to a certain time, to commit, or to amend; which several motions shall have precedent in the order stated. The first three shall be decided without debate.

Section 8. A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such motion at the session of the meeting at which the vote was passed. There can be no reconsideration of a vote once reconsidered, or after a vote not to reconsider. No article in the warrant shall again be taken into consideration after it has been disposed of unless ordered by vote of two-thirds of the voters present.

Section 9. The duties of the Moderator, and the government of the Town Meeting, not specially provided for by law, or by the foregoing rules, shall be determined by the rules of practice contained in Cushing's Manual, so far as they are adapted to the condition and powers of the Town.

ARTICLE 3

SELECTMEN

Section 1. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for, so far as permitted by law.

Section 2. The Selectmen may appear, either personally or by Town Counsel or by Special Counsel duly employed by them before any Court, Committee of the Legislature, or any Federal, State, or County Board of Commissioners, or other tribunal to protect the interests of the Town, but they are not authorized hereby to commit the Town to any course of action. They shall have authority as agents to institute, prosecute and defend suits and claims against or involving the interests of the Town, and to settle same when, in their judgment upon advice of counsel, such settlement is for the best interests of the Town.

Section 3. All Boards and officers shall make an annual report covering each year and forward same to Selectmen not later than January 15, of the following year.

ARTICLE 4

TOWN CLERK

Section 1. The Town Clerk shall have the custody of the Town Seal.

Section 2. All conveyances under seal, which may hereafter be executed by the Town, pursuant to a vote of the Town, or otherwise, shall be sealed by such seal and subscribed by a majority of the Board of Selectmen.

Section 3. The Town Clerk shall make a full index of all reports and prepare a report upon the vital statistics of the Town for publication in the Annual Town Report.

Section 4. It shall be the duty of the Town Clerk to immediately notify in writing all members of committees who may be elected or appointed at any town meeting stating the business upon which they are to act and the names of the persons composing the committees.

Section 5. It shall be the duty of the Town Clerk, immediately after every town meeting, to furnish the Town Accountant and the Board of Assessors with a statement of all appropriations made by the Town at such meeting, and the purpose for which such appropriations were made and the manner of raising the same. He shall also notify all boards, officers and committees of all votes passed at any town meeting in any way affecting them.

Section 6. It shall be the duty of the Town Clerk to properly record, file, and index all contracts, agreements, releases, bonds, deeds and all other papers and documents in any way affecting the interests of the Town when filed with him, and all such papers and documents unless otherwise required by law, shall be so filed by all boards, officers and committees at such time as the work to which such papers or documents pertain, shall have been completed.

ARTICLE 5

COLLECTOR OF TAXES - TOWN COLLECTOR

Section 1. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town which are committed to him.

Section 2. Every department of the Town shall deliver to the Town Accountant at least once in every month a separate statement of each account due the Town arising through any transaction with such department. Upon receipt of such statements of accounts the Town Accountant shall commit such accounts to the Town Collector for collection. This section shall not apply to taxes and special

assessments, licenses and permits issued or granted by the various departments of the Town, nor to costs and fees charged by said departments, nor to interest on investments of sinking or trust funds.

Section 3. Any account committed by the Town Accountant which the Town Collector is unable to collect by ordinary efforts may be referred by the Town Collector to the Town Accountant or Town Counsel for instruction as to procedure. So far as permitted by law, any account or portion thereof may be abated by the department in which such account originated. The Town Accountant shall be notified in writing of the abatement of any such committed account or portion thereof.

Section 4. The Town Collector shall, once in each week or oftener, pay over to the Treasurer all money received by him during the preceding week or lesser period on every such account, including any sums received as interest on moneys received by him on such accounts and deposited in any bank. He shall give bond to the town for the faithful performance of his duties in a form approved by the commissioner of corporations and taxation and in such sum, not less that the amount that may be established by said commissioner as shall be fixed by the selectmen.

ARTICLE 6

TREASURER

Section 1. The Town Treasurer shall have the custody of all certified checks filed by any person, firm or corporation in connection with bids of any nature.

Section 2. The Treasurer shall have custody of all paid matured notes, bonds and coupons, issued by the town and all paid checks issued by him.

ARTICLE 7

ACCOUNTING DEPARTMENT

Section 1. The Town Accountant shall have the custody of all vouchers which have been entered on warrants for payment and approved by the Selectmen and Accountant. Said vouchers are to be available for inspection by the Town Treasurer at all times.

Section 2. No head of a department, board or committee authorized to spend money shall make purchases of supplies or materials or contract to render services to the Town without issuing a written purchase order on prescribed forms for all such supplies or materials or services to be rendered; provided, however, that the provisions of this section shall not apply to the salaries or wages of part-time or regularly-employed officers, clerks and wage earners of any department of the Town. All purchase orders shall be in triplicate; one to be designated for the Vendor; one to be designated for and delivered to the Town Accountant; and one to be designated for the files of the department issuing the order. The order designated for the Vendor, before being transmitted to the Vendor, shall be submitted to the Town Accountant to be certified by him that there is sufficient unencumbered balance of the appropriation to be charged to liquidate the amount of the order; provided, however, that verbal orders for supplies or materials or services to be rendered may be issued for an amount not to exceed twenty-five dollars. All verbal orders shall be confirmed in writing on the prescribed purchase order forms on the day the orders are given and transmitted immediately to the Town Accountant for certification.

Section 3. The Town Accountant shall prescribe the methods of Accounting and forms to be used by the several departments of the Town wherein the collection or disbursement of money is concerned, so that such methods and forms shall conform to the requirements of the State system of accounting.

ARTICLE 7A

CONTRACTS AND PURCHASES

Section 1. All contracts and purchases made by or on behalf of the town by any department, board or committee shall require written purchase orders therefor as provided in Article 7, Sections 2 and 3.

Section 2. In all contracts or purchases made by any department, board or committee, where the cost exceeds Two Hundred Dollars, competitive bids shall be obtained as hereinafter provided. This provision shall be strictly construed to apply to all contracts in which the Town is a party, except as follows:

(a) Where, by reason of patent rights or copyrights, fair and reasonable competition cannot be obtained.

(b) Where, by reason of natural or actual monopoly, fair and reasonable competition cannot be obtained.

(c) Where, in case of emergency prompt action is required for the preservation of life, or the protection of property.

(d) Where, by reason of the special or standardized type, design or nature of the article or material to be purchased or work to be done, fair and reasonable competition cannot be obtained.

Section 3. If a contract or purchase is made on behalf of the Town without competitive bids under the exceptions stated in Section 2, where the contract price exceeds Two Hundred Dollars ($200.00) such contract or purchase shall have attached to it previous to its audit by the Town Accountant, a certificate by the head of the department, or chairman of the committee or board authorizing the same setting forth the reasons why competitive bids were not obtained.

Section 4. No contract shall be so divided as to bring the amount below Two Hundred Dollars for the purpose of evading the provisions of this Article.

Section 5. Competitive bids on contracts or purchases shall be obtained as follows:

(a) Where the estimated cost is over Two Hundred Dollars ($200.00) but under One Thousand Dollars ($1,000.00), either by public advertisement not to exceed one insertion in one or more newspapers published in the town or by circular letters all bearing the same date sent to a sufficient number of vendors to insure fair competition.

(b) Where the estimated cost is One Thousand Dollars ($1,000.00), or over, by public advertisement not to exceed three consecutive insertions, in one or more newspapers published in the town.

(c) In all cases of competitive bidding by posting on a bulletin board publicly displayed in the Town Hall.

(d) Every notice inviting bids shall provide that such bids shall be publicly opened at a specified hour and day at a place to be named in the notice, and that the Town reserves the right to accept or reject any and all bids.

(e) Where the estimated cost is under One Thousand Dollars ($1,000.00), no bids shall be opened until the expiration of at least five days from and after the invitation for bids was issued.

(f) Where the estimated cost is One Thousand Dollars ($1.000.00) but under Ten Thousand Dollars ($10.000.00), no bids shall be opened until the expiration of at least 10 days from and after the invitation for bids was issued.

(g) Where the estimated cost is Ten Thousand Dollars ($10,000.00) or over, no bids shall be opened until the expiration of at least 15 days from and after the invitation for bids was issued.

Section 6. All contracts made on behalf of the Town together with bids obtained, and if non-competitive, the certificates as required under Section 3, shall be in the custody of the Town Accountant and shall be available for public inspection for at least 30 days after such contracts or purchases have been made.

Every notice inviting bids shall contain such specifications as will allow free and open competition.

ARTICLE 7B

FEES OF TOWN OFFICERS

All Town Officers shall pay all fees received by them by virtue of their office into the Town Treasury.

ARTICLE 7C

CLASSIFICATION AND PAY PLANS

Section 1. The Classification Plan. The official classification plan when established by vote of the Town, shall consist of a classification for positions in the service of the town and shall be listed in a schedule to be known as Schedule A, and made a part hereof.

Section 2. The Pay Plan. The official pay plan, when established by vote of the Town, shall consist of the minimum and maximum salaries to be paid to all employees in any position included in the classification plan, as such salaries shall, from time to time, be established by vote of the Town. Said salaries shall be set forth in Schedule B.

Section 3. Amendment of the Plans. The Classification plan, or the provisions included herein for the administration thereof, may be amended in the manner provided by law, or in the manner provided by the By-laws of the Town, whichever is applicable. The minimum and maximum salaries to

be set forth in the pay plan may be established or changed by vote of the town at a Town Meeting, or as provided by law, whichever is applicable.

Section 4. Personnel Board. There shall be a Personnel Board consisting of 3 members to be appointed by the Moderator as follows:-

(1) An elected Town Official, who shall be chairman.

(2) A Town Employee.

(3) A citizen and registered voter of the Town.

The elected Town Official shall be appointed for one year on or before May 1st, 1949 and each year thereafter on or before May 1st. The Town Employee shall be an employee and a citizen of the Town who is not elected by the Town, and so far as possible one who is nominated by a majority of the employees of the Town present at a meeting duly called for the purpose of such nomination, and shall be appointed for 3 years on or before May 1st, 1949 and every 3 years thereafter on or before May 1st. The citizen shall be appointed for 3 years on or before May 1st, 1949 and every 3 years thereafter on or before May 1st. Vacancies shall be filled by the Moderator. The elected official resigning or removal from the Town or office; the employee ceasing employment, and the citizen removing from the Town, shall create a vacancy in each instance. Said Personnel Board shall have the power to employ and pay an Executive Secretary.

Section 5. Class Definitions. The Personnel Board shall provide, and may amend from time to time, written definitions of the classes in the classification plan, each consisting of a statement describing the essential nature of the work characteristic of positions of the class that distinguished such positions from positions of other classes, with such examples as may be deemed appropriate.

Section 6. Interpretation of Class Definitions. The definitions of the classes shall be interpreted as descriptive

only and not restrictive. The definition for any class shall be construed solely as a means of identifying positions properly pertaining to the class, and not as prescribing what the duties or responsibilities of any position of the class shall be, or as modifying, or in any way affecting, the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of, any employee under the jurisdiction of such authority.

Section 7. Records and Requisitions. The Personnel Board shall keep such records of all employees of the town, including the name, age, date of employment, Civil Service classification, if any, department in which employed, nature of duties and other information as it deems desirable. All requisitions for persons to fill positions or perform duties classified under the Civil Service law, all requests for transfers, increases in salary, changes in ratings, or other requests made to the Director of Civil Service or the Department of Civil Service shall be cleared through the Personnel Board.

Section 8. Allocation of Positions to Classes. The Personnel Board shall allocate each position subject to the provisions of this By-law to its appropriate class in the classification plan. Whenever a new position is established, or the duties of an existing position are so changed that in effect, a new position of a different class is substituted for the old position, the Personnel Board shall allocate such new or changed position to its appropriate class. It shall likewise reallocate any position from class to class whenever it finds such action warranted by reason of error in the allocation then in effect. It shall afford reasonable opportunity to be heard to any employee or appointing authority affected by any allocation or reallocation, upon written request therefor, and may afford such opportunity in the absence of such request.

Section 9. Titles of Positions. No person shall be appointed, employed, or paid as an employee in any position subject to the provisions of this By-law, under any title other

than that of the class to which the position is allocated. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position as such, and shall be used to designate the position in all payrolls, budget estimates, and official records and reports, and in every other connection involving personnel and fiscal processes, but any abbreviation or code symbol approved by the Personnel Board may be used in lieu of the title to designate the class of a position in any such connection.

Section 10. Interpretation of Pay Plan. The interpretation and effects of the minimum and maximum salaries at any time hereafter established by vote of the town, and provisions for initial adjustments to the pay plan, shall be included in the votes establishing such salaries.

Section 11. Operation of By-law. This By-law shall be operative only as to employees whose positions are classified hereunder and for which positions minimum and maximum salaries have been established by vote of the town at a Town Meeting.

Section 12. Civil Service Law. Nothing in this By-law shall be construed to conflict with Chapter 31 of the General Laws.

ARTICLE 8

FINANCE COMMITTEE

Section 1. The advisory committee, to be called the Finance Committee, shall be composed of fifteen registered voters of the town, one from each of the fourteen precincts and one from the town at large, and, except as hereinafter provided, shall be appointed by an Appointing Committee of three members, composed of the moderator, the chairman of the Finance Committee and the chairman of the sinking fund commissioners, within twenty days after the final adjournment of the annual town meeting.

Section 2. The first committee appointed under this by-law shall be appointed promptly by the Appointing Committee within twenty days after this by-law shall take effect. Of such committee the member from each of the precincts numbered one, four, seven, ten and thirteen shall be appointed for a term of three years; the member from each of the precincts numbered two, five, eight, eleven and fourteen shall be appointed for a term of two years; and the member from each of the precincts numbered three, six, nine and twelve and the member-at-large shall be appointed for a term of one year. In any year when the term of any member expires, his successor shall be so appointed for a term of three years. The said terms shall expire on the seventh day after the final adjournment of the annual town meeting but the members shall respectively continue to act as such until their successors are appointed. All the present members of the Finance Committee shall continue to act as such until the said first committee of fifteen is appointed as herein provided.

Section 3. If any member of the Finance Committee is absent from three or more successive meetings, the other members of the committee may by the affirmative vote of each of a majority of its members request the Appointing Committee to remove such absenting member from his membership and the Appointing Committee may thereafter by a majority vote so remove such member and may notify him by mail of such removal. The Appointing Committee shall then promptly fill the vacancy so created by appointing a successor for the remainder of the term for which such member was appointed.

Section 4. No person holding either elective or appointive town office other than Town Meeting membership and no town or other public employee shall be eligible to serve on said committee.

Section 5. The committee shall consider all articles contained in any warrant except articles on zoning upon which the zoning by-law requires a report to be made to the Town by the Planning Board, shall make recommendations, and

shall report in print, if possible, at or prior to each town meeting, but the omission of said committee so to consider, recommend and/or report shall not affect the validity of any vote or other action at any town meeting. The committee shall also make such general suggestions, criticisms and recommendations as it may deem expedient.

Section 6. The committee shall have authority to vote transfers from the reserve fund as provided in Section 6 of Chapter 40 of the General Laws as amended.

Section 7. The committee shall have power and authority to examine the books and records of any town board or official, so far as the same is permitted by law, and all boards and officers shall submit to the committee, at the same time they are submitted to the Town Accountant, copies of their estimates for the ensuing year in budget form.

Section 8. The Finance Committee shall annually appoint a person who is not one of its members as executive secretary for the term of one year. The said Committee shall define his duties and fix his salary. The position of clerk of the Finance Committee shall cease upon the appointment of the new Finance Committee of fifteen.

Section 9. Except as herein otherwise provided, the committee shall have power to elect its own officers. All vacancies in the membership of said committee shall be filled by the Appointing Committee.

ARTICLE 9

PUBLIC WAYS

Section 1. Any person intending to erect, repair, or demolish any building on any land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing thereon building materials or rubbish,

shall give notice thereof to the Board of Public Works. The Board of Public Works may grant a written permit to occupy a portion of said street or way subject to the following conditions in each case, and to any others that in the judgment of the said Board may seem necessary;

(a) No permit to remain in force more than ninety days.

(b) During the period beginning one-half hour after sunset to one-half hour before sunrise such material or rubbish shall be sufficiently illuminated and indicated so as to effectually warn persons using such street or way.

(c) A substantial railing or guard shall be maintained around such material or rubbish as long as it remains an obstruction.

(d) If such material or rubbish remains as an obstruction for a period of more than one week a good temporary walk shall be built around said obstruction and upon the removal of the material and temporary walk, the street or way shall be restored to the satisfaction of the Board of Public Works.

(e) A written agreement or bond, in the discretion of the Board of Public Works, shall be executed by the party to whom the permit is issued to indemnify and save harmless the Town against and from all damage, cost or expense it may suffer or be put to, by reason of any claim for damages or by reason of any proceeding, on account of the existence of such obstruction.

Section 2. No person shall use any portion of any street or way as described in the preceding without the written permit of the Board of Public Works; or having such a permit, without complying with its provisions.

Section 3. No person shall move or assist in moving any building more than ten feet high and fifteen feet wide over any street or way which this town is obliged to keep in re-

pair without the written permit of the Selectmen first being obtained, or having obtained such permit, without complying with the restrictions and provisions thereof. This section shall not apply to the transportation of small or portable type buildings, when carried upon trucks or other suitable vehicles provided the weight is not sufficient to cause damage to said street or way, or the height of such building above the ground when loaded such as to cause damage to or interference with the overhead property of any person, firm or corporation if the same is being lawfully maintained.

Section 4. No person shall permit any horses, cattle, swine, sheep or goats under his care to feed by the roadside, to go upon any sidewalk, or to run at large.

Section 5. No person shall operate any vehicle excepting children's carriages upon any sidewalk.

Section 6. No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language in any public place in the Town, or near any building therein, or remain upon any sidewalk, or upon any part of another's property to the annoyance or disturbance of any person.

Section 7. No person shall intentionally frighten a horse on any public way.

Section 8. No person shall throw snow-balls, stones or other missiles, play at any game in which a ball is used, or fly a kite in the public ways of the Town.

Section 9. No person shall loiter in any street, or on any sidewalk or in any other public place in the Town after being directed by a police officer to move on, nor shall obstruct the free use of any public way or sidewalk, nor shall habitually congregate with others on such ways or sidewalks nor shall build a bonfire thereon.

Section 10. No person shall post, affix, or in any way attach any poster, handbill, notice, advertisement or placard

to or upon any post, wall, fence, building or structure without permission of the owner or his agent.

Section 11. No person shall write, paint, mark, stamp or cut any symbol, notice or advertisement upon or into any wall, fence, post, sidewalk, tree, building or structure without the permission of the owner or his agent.

Section 12. No person shall place or cause to be placed anything in or upon any public way or sidewalk and allow it to remain for more than fifteen minutes after being notified by a police officer to remove same, except as provided in Section 1 of Article 9.

Section 12A. No person shall place or cause to be placed any vehicle which shall interfere with the removing or plowing of snow, or the removing of ice, in any way of the Town, and the Superintendent of Streets or other officer in charge of ways for the time being, for the purpose of removing or plowing snow, or removing ice, from any way, is hereby authorized and empowered to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable for the cost of such removal, and the storage charges, if any, resulting therefrom.

Section 13. No person shall coast or skate on any street or sidewalk where same has been forbidden by the Selectmen.

Section 14. No person shall fasten any animal to any tree standing in any public way or place, or allow an animal under his care to in any way injure such tree.

Section 15. No person shall sing, play on or operate any musical instrument in any public way, or solicit, or receive compensation therefor from bystanders or the public, without first having obtained a license from the Selectmen, who are hereby empowered to grant such licenses, with such restrictions as they may deem necessary.

Section 16. No person shall harangue or address the public in any public way, or solicit, or receive compensation therefor, without first having obtained a license therefor from the Selectmen, who are hereby empowered to grant such licenses, subject to whatever restrictions they may deem necessary.

Section 17. No person shall establish or maintain in any part of any public way any awning or shade, the lowest part of which is less than seven feet above such public way.

Section 18. No person shall make any excavation in any public way, or remove any earth, or gravel therefrom, without first having obtained the written permit therefor from the Board of Public Works. No person shall deposit or sweep rubbish onto any public way.

Section 19. Except as otherwise provided by statute, by-law, or department regulation, no person shall, in any manner, place or cause to be placed in or upon any public way, public place or body of water within the Town, rubbish, waste material, filth, or discarded substance of any kind.

Section 20. No person, except an officer or employee of the Town shall disturb, over-haul, or interfere with the contents of any barrel or other receptacle containing ashes or other refuse material which has been set out to be carried away by an employee of the Town.

Section 21. The owner or occupant of any land abutting upon a sidewalk of a public way in this Town, which said property is used for business purposes, other than farm business, shall cause all snow and ice to be removed from such sidewalk. Such snow and ice shall be so removed by ploughing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk. The penalty for each violation of this by-law shall be ten dollars.

Section 22. No person, either by himself or his employees, shall engage in the distribution of handbills, circulars, or other prepared reading matter, except newspapers, within the Town of Arlington, or shall go about or send employees about in the streets, alleys, and public places in said Town for the purpose of such distribution, without first having obtained a permit from the Board of Selectmen of said Town. Said permit may contain such conditions as may be deemed expedient and shall be revocable at the pleasure of said Board of Selectmen. Any person having such a permit may send out employees for whom he shall be responsible. No permit granted under the provisions hereof shall be good for a period exceeding twelve months and every person having such a permit shall be required to leave with the Chief of Police a sample of each handbill, circular or other prepared reading matter before distributing the same. The Chief of Police shall have the right to temporarily suspend the right of persons holding such permit to distribute circulars, handbills, etc. pending a hearing before the Board of Selectmen.

The Board may establish a fee for every permit granted under the provisions hereof, not to exceed $2.00.

Section 23. (a) The Board of Selectmen is empowered to cause to be placed on any public way of the Town, at such places and in such manner as it may determine, devices known as parking meters, and shall have charge of the regulation and operation thereof, shall cause to maintain such meters in good workable condition, shall establish for parking in parking meter areas a charge of not more than five cents for one hour, proportional parts of said hour to be in amounts determined by said Board, shall collect or cause to be collected monies deposited in said meters and turn such monies over to the Town Treasurer.

(b) The Board of Selectmen is empowered to authorize the Treasurer to pay out of the revenue derived from said parking meters, from time to time, such amount or amounts on the original purchase price thereof and for such other

charges and costs incidental to said meters, as said Board may deem advisable.

(c) It is the purpose of this by-law that the fees to be charged and collected by the operation of parking meters will be levied as a police regulation to cover the cost of providing parking spaces and parking areas, all lanes, lines and other markings incidental thereto, parking meters and their installation, replacement and maintenance, the cost of regulation and inspection thereof, the cost of operation and control of traffic moving in and out of and parking in such parking spaces and parking meter areas and in the vicinity thereof, and for the cost of traffic administration and supervision expenses resulting from the establishment of such parking meter areas, and that it is not the purpose of the installation of such parking meters to recover any further monies for the Town or to engage in the operation of such parking spaces or areas and meters for profit.

(d) The Board of Selectmen shall have the power under this by-law to make and enforce rules and regulations relative to such parking meters, and whoever violates such rules and regulations shall be punishable by a fine of not more than twenty dollars ($20.00) for each offense.

ARTICLE 9A

USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

Section 1. No person shall enter or leave any Park, Playground, Beach or other area except at regular designated entrances or exits.

Section 2. No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, lawn or beach; or deface, defile, injure, destroy or ill use any building, bridge, structure, fence, sign, bench, seat, platform, plant, flower, bush, tree, shrub, turf, rock or other property or equipment, real or personal,

belonging to the Town of Arlington under the jurisdiction of the Park Department, or have possession of any part thereof.

Section 3. No person shall within any park or playground area throw any stone or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except by written consent of the Park Commissioners; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device except by written consent of the Park Commissioners; or drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground; nor bring or cause to be brought within any area under the control of said Park Department any garbage, refuse or material for the purpose of depositing same within said receptacles; or bring or cause to be brought within any area under the control of the Park Department glass containers or any articles made of glass; or break or cause to be broken any glass containers or any articles made of glass within any area under the control of the Park Department.

Section 4. No person shall within a park or playground area solicit the acquaintance of or annoy another person; or utter ~~any profane, threatening, abusive or indecent language~~ or loud out-cry; or solicit alms or subscriptions; or have posession of or drink any intoxicating liquor; ~~or play any game of chance; or have possession of any instrument of gambling; or do any obscene or indecent~~ act; or make a harangue; or make any undue noise or disturbance.

Section 5. No dumping of any kind shall be made within any park or playground area, except by written consent of the Park Commissioners.

Section 6. All areas under the care and control of the Park Department are considered to be closed at 9:00 P.M., unless extended by the written consent of the Park Com-

missioners. Anyone found on said areas after said hour shall be considered as trespassers.

Section 7. The playing of golf is strictly prohibited in or upon all areas under the care and control of the Park Department.

Section 8. No person unless properly clothed, shall be upon any beach, or swim, bathe or wade in any water within or adjoining any area under the care and control of the Park Department, and then only at such times and in such places as the Park Commissioners may designate; nor loiter or walk upon a sidewalk or roadway or about an area, other than a bathing beach, in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on any beach; nor disrobe for bathing in a public sanitary or within public view.

Section 9. No person shall cause or permit any animal owned by him or in his custody or under his control, to roam or be at large, in, on or through any park or playground under the care and control of the Park Department, except a dog when restrained by a leash not exceeding seven (7) feet in length. No animals are allowed on any beach under the care and control of the Park Department.

Section 10. No person shall ride or drive an animal or ride a bicycle or motorcycle, or ride or drive a motor car or other vehicle upon or over any area under the care and control of the Park Department which has been closed to travel by the placing therein or the erection thereon of a barrier, fence, light or sign indicating that such area is closed for public travel.

Section 11. No person shall refuse or neglect to obey any rule, posted by sign, concerning the use of any area under the care and control of the Park Department; nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person in charge of such area.

Section 12. Any person violating any of the foregoing sections shall, for each offense, be punished by a fine of not more than twenty (20) dollars.

ARTICLE 10

BOARD OF HEALTH

Section 1. Every building hereafter erected on a public street, court or passage-way in this Town, in which there is a public sewer, shall unless otherwise ordered by the Board of Health, be required to be connected by a good and sufficient particular drain with said sewer.

Section 2. No permanent privy vault or cesspool shall hereafter be constructed in this Town without a permit from, and in accordance with the rules and regulations of the Board of Health.

Section 3. No person shall throw, or put into, or upon any public or private way, public enclosure or grounds, bodies of water, streams or brooks in this Town any decayed animal or vegetable matter, or other refuse whatsoever.

Section 4. Upon the death, removal or recovery of a person ill with any communicable disease, the immediate family of such, or, if in a lodging or boarding house, the proprietor thereof, shall cause the room or rooms occupied by such person to be disinfected in a manner satisfactory to, and in accordance with the rules and regulations of the Board of Health.

Section 5. No person residing in the town shall allow any dog belonging to him to run at large in the town unless said dog shall have been vaccinated against rabies at some time during the previous twelve months.

A clinic for the inoculation of dogs against rabies shall be established under the direction of the Board of Health.

The Board of Health may establish a fee not exceeding fifty cents ($.50) to cover the cost of rabic vaccine and other materials required for each dog inoculated.

ARTICLE 11

CARE OF BURIAL GROUNDS AND LOTS

Section 1. The Town will accept and forever hold in trust, money or securities which may hereafter be deposited with the Town Treasurer for the perpetual care, preservation, improvement or embellishment of any public or private burial place, or any graves therein, agreeable to the provisions of the statutes of the Commonwealth; and will so accept for such care, preservation, improvement, or embellishment of any lot therein containing two hundred or more square feet, such sum not less than two hundred dollars ($200) as the board of cemetery commissioners may determine, and of any lot therein containing less than two hundred (200) square feet, the sum of one dollar ($1.00) for each square foot of such lot.

Section 2. The Town Treasurer is authorized to enter into agreement in behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot, and the structures and grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any sum of money or not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for said purpose.

Section 3. Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund, and unless otherwise specifically provided for in the terms of the gift, the income only shall be used.

ARTICLE 12

MISCELLANEOUS

Section 1. Bathing. No person shall bathe or swim in any public or exposed place in the town without wearing a proper covering for the body.

Section 2. Billboards, Signs and Other Advertising Devices. No person, firm, association or corporation shall erect, display or maintain, within the limits of the town, a billboard, sign or other outdoor advertising device, except those exempted by Section 30 and 32 of Chapter 93 of the General Laws, or by any additions to, or amendments of said sections, -

(a) Within fifty (50) feet of any public way;

(b) Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same;

(c) Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs or other advertising devices are placed back to back;

(d) On any location at the corner of any public ways and with a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect;

(e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;

(f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty-five (25) feet or a height of twelve (12) feet;

(g) In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Selectmen may

permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.

(h) No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works, together with the application for a Permit for such billboard, sign or other advertising device.

(i) No billboard, sign or other advertising device shall be erected, displayed or maintained until a Permit therefor has been issued by the Division of Highways of the Department of Public Works pursuant to the following provision: Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the Town has been received by it, the Selectmen shall hold a public hearing on said application in the Town, notice of which shall be given by posting the same in three or more public places in said Town at least one week before the date of such hearing. A written statement as to the results thereof shall be forwarded to the Division containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of notice of the Town that an application for such a permit had been made.

This By-law shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this By-law shall not apply to billboards, signs or other advertising devices legally maintained, at the time

of its approval by the Attorney-General, until one year from the first day of July following such approval.

Whoever violates any of the provisions of this By-law shall be punished by a fine of not more than one hundred dollars ($100), and whoever, after conviction for such violation, unlawfully maintains such billboard, sign or other outdoor advertising device for twenty (20) days thereafter shall be punished by a fine of not more than five hundred dollars ($500).

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Section 3. Dogs. No person shall own or keep any dog which by biting, barking, howling, or in any other manner disturbs the peace and quiet of any neighborhood, or endangers the safety of any person.

Section 4. Firearms. No person shall, except in the performance of some legal duty, discharge any firearms, or any air gun within the limits of the town, except by permission of the Board of Selectmen.

Section 5. Fireworks and firecrackers. No person shall set off, explode or cause to explode any fireworks or firecrackers within the town except under such regulations as the Selectmen may prescribe.

Section 6. Beggars, Solicitors and Peddlers. No person unless otherwise authorized shall go from place to place within the Town selling or bartering or carrying for sale or barter or exposing therefor or taking orders therefor any goods, wares, or merchandise, nor shall any person go from place to place within the Town begging or soliciting alms or contributions for any person, cause, or organization, either on foot or from any animal or vehicle without having first recorded his name and address with the Chief of Police and furnished such other information as may be requested of him. The Chief of Police shall thereupon if satisfied with

the honesty of the applicant, issue a permit for a period not exceeding twelve months, which must be shown on request, and shall state that said person has duly registered and is entitled to go from place to place within the Town for the purpose specified.

The Chief of Police may, however, authorize the director of any religious organization within the Town to solicit such contributions, etc., without having each solicitor under his direction registered.

Section 7. Junk Dealers and Collectors. The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metal, or second-hand articles in the town. They may also license suitable persons as junk collectors, to collect, by purchase or barter, junk, old metals, and second-hand articles from place to place in the town; and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in such material; and may prescribe the design thereof. They may also provide that such shops, and all articles of merchandise therein, and any place, vehicle, or receptacle used for the collection or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized thereto.

Every person engaged in the purchase, sale or barter of junk, old metal, or second-hand articles, within the limits of the town, shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof, the name and residence of the person from whom and the day and hour when such purchase was made. Such book shall at all times be open to the inspection of the Selectmen and of any person by them authorized to make such inspection. Every person so engaged, keeping a shop, shall maintain in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters. Such shop, and all articles of merchandise therein, may be at all times examined by the Selectmen or by any person authorized by them to make such examina-

tion. No keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor, knowing or having reason to believe him to be such; and no articles purchased or received by such shopkeeper shall be sold until at least ten days from the date of its purchase or receipt have elapsed.

Section 8. No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception. Any department, board, or committee of the town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for same does not exceed $50.

ARTICLE 13

WIRE DEPARTMENT

Section 1. There shall be an Inspector of Wires appointed annually by the Joint Board of Selectmen and Public Works in accordance with Chapter 166, Section 32 of the General Laws.

Section 2. The installation and maintenance of all wires shall be under the supervision of the Inspector of Wires, and all wires and structures supporting or carrying the same, and all devices connected thereto shall be in accordance with the then latest edition of the National Electrical Code or the "National Electrical Code" and such other rules and regulations as are necessary in order to prevent or abolish any hazardous condition.

Section 3. Every corporation or person proposing to place wires designed to carry a current of electricity for light, heat or power purposes within a building shall give

notice thereof to the Inspector of Wires before commencing any work. This notice shall indicate the general character of the proposed installation and the number, rating and kind of current consuming devices to be connected. Upon receipt of such a notice a permit for the commencement of the work as described shall be issued by the Inspector of Wires, if all legal requirements have been observed. There shall be a fee of fifty cents for each such permit payable when issued.

Section 4. No conduit, either within or connecting two buildings, or any wiring within or between two buildings to be used in connection with the distribution of current for light, heat, or power shall be covered over until a written permit therefor has been issued by the Inspector of Wires, and such permit posted in a conspicuous place on or within the building so wired. There shall be a fee of fifty cents for each such permit payable when issued.

Section 5. The wiring of any building for light, heat or power, will not be approved until the installation of all fire stops and all metal piping for any purpose whatsoever, whether or not covered with an insulating material, has been accepted by that department of the Town having jurisdiction.

Section 6. No person, firm or corporation shall connect to any source of electrical supply any wiring to be used for the distribution of electricity for light, heat or power purposes until written permission to do so has been given by the Inspector of Wires.

Section 7. Whenever, in the opinion of the Inspector of Wires, any electrical conductors or appliances used for the distribution or consumption of a current of electricity for light, heat or power purposes are in a dangerous condition, he is hereby authorized to cause the current to be shut off if the existing defect is not remedied within a reasonable time after written notice has been given to the owner or user of such defective conductor or appliance.

Section 8. No two lines of poles bearing conductors of a like class may be erected on any street, avenue or square, and no two lines of poles may be erected on the same side of

any street, avenue or square. Poles shall be set in the sidewalk not less than ten inches from the outer side of the curb line and shall not be located within less than ten feet of any lamp post or any other pole, except when they are designed to carry wires on streets running at an angle to each other, nor less than four feet of any catch basin or hydrant. All poles shall be suitably painted and kept in good condition to the satisfaction of the Inspector of Wires, and they shall be stenciled, marked or branded with the owner's name or initials at a point not less than five nor more than seven feet from the ground.

Section 9. Where possible, all poles must be uniformly spaced, and of a uniform height, and shall not be more than one hundred and thirty-two feet apart. No pole less than thirty-five feet long shall be set in the streets of this town, excepting poles for trolley span wires and poles used as ornamental lighting standards. All poles, except those used for ornamental lighting, shall be set not less than five feet in the ground under ordinary soil conditions and shall be stepped commencing eight feet from the sidewalk, such steps to be parallel with the sidewalk curbstone. Deviations from this rule may be permitted by the Inspector of Wires. Poles shall be set on lot lines or in positions which will cause a minimum interference with private driveways or walks. Extensions must not be made on any pole without the approval of the Inspector of Wires. The first gain on every pole which in accordance with the provisions of the National Electrical Safety Code would be designed for Class C circuits shall be reserved for the use of the signal wires of this town.

Section 10. Cross arms shall be painted with at least two coats of an approved paint. The name or initials of the owner shall be plainly indicated on every cross arm attached to a pole within the town by the use of a suitable tag or by painting, stenciling or branding them. Where wires of different ownership occupy the same cross arm, suitable tags bearing the name of the owner shall be attached to such wires at or near the insulator.

Section 11. No staple, ring, chain or other device shall be driven into or fastened to any pole for any purpose other

than as required for the proper installation and maintenance of a pole and its attachments. No person shall deface any pole by the use of linemen's spurs or otherwise below the lowest cross arm.

Section 12. New poles shall not be brought onto any street more than two days in advance of the time they are to be set and when old poles are taken down they must be removed from the street the same day. Old poles temporarily lashed or fastened to new poles pending the transfer of wires must be removed within thirty days of installation of new pole. When pole locations are abandoned a report of the same shall be made to the Inspector of Wires as soon as the work is completed.

Section 13. The first point of attachment to buildings of wires for light, heat or power service shall be not less than nine feet above the ground, or any platform, or structure on which a person may stand. All such wiring attached to and carried along the outside of any building shall be enclosed in an approved iron conduit.

Section 14. Street Railway Feeder Switch. All street railway companies operating within this town shall install suitable switches in the feeder or supply circuit of their system at such points as the Inspector of Wires shall designate.

Section 15. Any person aggrieved by the refusal of a permit or by an order, requirement or direction under this article insofar as they may apply to the installation of wire within a building or structure, may, within ten days from the date of such refusal, order, requirement or direction, appeal therefrom to the Board of Appeals, provided in the Building Code of the Town of Arlington.

After notice given to such parties as the Board shall order, a hearing shall be had and the Board shall affirm, annul or modify such refusal, order, requirement or direction. If the refusal, order, or decision of the Inspector of Wires is confirmed, the ruling of the Inspector of Wires shall be final. If the action of the Inspector of Wires is modified or annulled, the Inspector of Wires shall issue a

permit or order in accordance with the decision of the Board, provided, however, that no decision shall be made by the Board of Appeals that will modify the requirement of any general laws in regard to wiring of buildings or permit any change contrary to the requirements of the National Electrical Safety Code.

ARTICLE 14

PROSECUTIONS AND PENALTIES

Section 1. It shall be the duty of the police to secure the observance of these by-laws, and to make complaint against any person violating the same. Prosecutions for offenses under these by-laws may be made by any constable, or police officer of the town, and all fines shall be paid into the Town treasury.

Section 2. Whoever violates any provision of these by-laws shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding twenty dollars.

ARTICLE 14A

FEES FOR CERTAIN LICENSES AND REGISTRATIONS

The fee for a license relating to the keeping, storage and manufacture of any of the articles named in Section 9 of Chapter 148 of the General Laws except fireworks, firecrackers and torpedoes, in accordance with the provisions of Section 13 of said Chapter 148 as amended shall be one (1) dollar; and that the fee for a registration in accordance with said Section 13 shall be fifty (50) cents.

ARTICLE 15

BUILDING LAWS

All by-laws regulating the construction and inspection of building is known as the Building Code.

ARTICLE 16

CIVIL DEFENSE

Section 1. Department of Civil Defense. There is hereby established a department of civil defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under said Chapter 639.

Section 2. Director of Civil Defense. The department shall be under the direction of a director of civil defense (hereinafter called the "director") who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.

The director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the town, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause ap-

propriate records to be kept of all matters relating to such gifts, grants or loans.

Section 3. Civil Defense Advisory Council. There is hereby established a civil defense advisory council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing said director may deem necessary. Such member of said council as said appointing authority shall designate shall serve as chairman of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

Section 4. Police Aid to other Cities and Towns in Event of Riots or other Violence Therein. The police department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

Section 5. Termination of By-Law. This By-Law shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation or substitution therefor, or until repealed by a two-thirds vote of a representative town meeting duly called for such purpose.

Section 6. Definition. All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

TOWN MEETING ACT

ACCEPTED BY VOTE OF TOWN OF ARLINGTON

MARCH 4, 1935

CHAPTER 43A

STANDARD FORM OF REPRESENTATIVE TOWN MEETING GOVERNMENT

Sect.

GENERAL PROVISIONS

1. Standard form, adoption by certain towns authorized.
2. Procedure.

STANDARD FORM

3. Voting precincts. Establishment; revisions; procedure. Meetings of voters regulated. Certain laws applicable.
4. Elected town meeting members.
5. Representative town meetings. Procedure. Resignations, etc., of members.
6. Nominations.
7. Action on articles in warrant.
8. Moderator; moderator pro tempore.
9. Vacancies in membership, how filled.
10. Certain votes subject to referendum. Procedure.
11. Authority to continue to act by representative town meetings. Effect of such action.
12. Right to hold general meetings not abridged. Limitation upon powers of representative town meetings.

GENERAL PROVISIONS

Section 1. Any town in which there has been constituted and established a form of representative town meeting government under a special statute, enacted in conformity with the provisions of the constitution of the commonwealth, may in substitution therefor adopt the standard form of representative town meeting government provided by sections three to twelve, inclusive.

Section 2. Five per cent of the registered voters of any such town may, not less than ninety days before its annual town meeting, file with the selectmen a petition that there be

submitted to the voters of the town the matter of the acceptance of such standard form of representative town meeting government. The selectmen shall thereupon direct the town clerk to cause to be printed on the official ballot used for the election of town officers at such meeting substantially the following question: Shall the town adopt the standard form of representative town meeting government provided by chapter forty-three A of the General Laws? If a majority of the votes cast thereon are in the affirmative such standard form shall thereupon become effective in such town, and the acceptance by the town of the special statute under which it was theretofore governed shall be deemed to be revoked by such vote; provided, that the town meeting members elected at such election or in office under the provisions of such special statute shall, except as otherwise provided therein, remain in office until the next annual town election.

Yes	
No	

STANDARD FORM

Section 3. Upon the adoption as aforesaid of such standard form of representative town meeting government by a town, its selectmen shall forthwith divide the territory thereof into voting precincts, each of which shall be plainly designated and shall contain not less than four hundred registered voters. The precincts shall be so established as to consist of compact and contiguous territory to be bounded, as far as possible, by the center line of known streets and ways or by other well-defined limits. Their boundaries shall be reviewed, and, if need be, wholly or partly revised, by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting held not later than November twentieth of that year. The foregoing provisions of this section shall not authorize any action contrary to the provisions of Section 9A of Chapter fifty-four.

The selectmen shall, within ten days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts

and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and they shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, relating to precinct voting at elections, so far as the same are not inconsistent with this chapter, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

Section 4. Other than the officers designated in the by-laws of the town as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be.

The registered voters in every precinct shall, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts at the first annual town election following such revision, conformably to the laws relative to

elections not inconsistent with this chapter, elect by ballot the number of registered voters in the precinct, other than the officers designated in the by-laws as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The Town Clerk shall, after every election of town meeting members, forthwith notify each such member by mail of his election.

Section 5. Any representative town meeting held under the provisions of this chapter, except as otherwise provided herein, shall be limited to the town meeting members elected under section four, together with such town meeting members at large as may be provided for by the by-laws of the town.

The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from

time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.

Section 6. Nominations of candidates for town meeting members to be elected under this chapter shall be made by nomination papers, which shall show clearly whether he has been a former town meeting member, and, if an elected incumbent of such office, that he is a candidate for re-election and shall bear no other political designation. Such papers shall be signed by not less than ten voters of the precinct in which the candidate resides, shall be filed with the town clerk at least ten days before the election or, in towns which have accepted section one hundred and three A of chapter fifty-four, within the time provided by section ten of chapter fifty-three. They shall be submitted to the registrars of voters and shall be certified in the manner provided in section seven of said chapter fifty-three; provided, that any town meeting member, including any town meeting member in office under the provisions of a special statute under which such town is operating immediately prior to the taking effect therein of the standard form of representative town meeting government provided by this chapter, may become a candidate for re-election by giving written notice thereof to the town clerk not later than fourteen days prior to the last day and hour for filing nomination papers. If a town meeting member is a candidate for re-election, the words "Candidate for Re-election" shall be printed against his name as it appears on the ballot for the election

of town officers; provided, that if a town meeting member who has been chosen by the remaining members from the precinct to fill a vacancy under the provisions of section nine is a candidate for election, the words "Candidate for Re-election" shall not be printed against his name as it appears on the ballot. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Section 7. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers and town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section ten.

Section 8. A moderator shall be elected by ballot at the annual town meeting when his term of office expires, for the term of one or three years, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Section 9. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled, until the next annual election, by the remaining members of the precinct from among the registered voters thereof. Upon petition therefor, signed by not less than ten town meeting members from the precinct, notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which

the vacancy or vacancies exist, and he shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge of the election and qualifications of the members as set forth in section five.

Section 10. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than three per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions

so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot:- "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

Section 11. The town, after the acceptance of this chapter, shall continue to have the capacity to act through and to be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this chapter, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this chapter, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

Section 12. This chapter shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of this commonwealth; nor shall this chapter confer upon any representative town meeting in any town the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

ARLINGTON

List of Legislative Acts Specially Affecting the Town of Arlington. All Dates Except Where Otherwise Stated Indicate the Date of Acceptance by the Town.

	Year	Chapter	Subject	
1.	R. L.	18	Engine Men	March 5, 1838
2.	1855	98	Fire Department created	May 23, 1855
3.	1855	391	Offensive trade	Nov. 1855
4.	1855	43	Establishment sidewalks	March 3, 1856
5.	1855	469	Abate nuisances	March 3, 1856
6.	1867	242	Trees	April 6, 1868
7.	1869	366	Sec. 1 — Cattle	March 7, 1870
8.	1869	169	Street betterments	March 6, 1871
9.	1872	137	Cemetery	
10.	1873	242	Water in Arlington	
11.	1890	386	Ballots	Feb. 17, 1891
12.	1885	309	Licensing Groves for Picnics, etc	March 6, 1893
13.	1883	203	Sec. 1 — Assessors	March 13, 1893
14.	P. S.	27	Sec.s 65, 66, 67, 68 Assessors	March 13, 1893
14a.	P. S.	27	Sec.s 64-68 inc. Selectmen	March 13, 1893
15.	P. S.	50	Sec.s 20-23 inc. Sidewalks	March 15, 1894
16.	1893	477	Plumbing Regulations	March 15, 1894
17.	R. L.	51	Sec.s 1-9 inc. Street betterments	March 15, 1894
18.	1882	154	Public Parks	March 15, 1894
19.	1893	304	Sewer Commissioners	Dec. 29, 1894
20.	1895	186	Watering Streets	March 23, 1896
21.	1896	267	Parks in Arlington	
22.	1896	282	Sewers in Arlington	
23.	1897	249	Board of Survey	Nov. 8, 1897
24.	1894	481	Sec. 11 Fire Limits re-buildings	April 7, 1898
25.	1894	455	Licensing plumbers	Nov. 29, 1898
26.	1899	344	Laborers — 8 hour day	March 5, 1900
27.	P. S.	101	Sec.s 1-5 inc. Suppression nuisances	Nov. 19, 1900
28.	1900	140	Maintenance reservoir and lands as public park	April 2, 1900
29.	1900	91	April 19 and July 4 in Arlington	
30.	1903	454	Luce Act — Joint. Primaries	Nov. 3, 1903
31.	1904	3	Board of Public Works	Feb. 8, 1904
32.	1904	129	Sewer Assessments in Arlington	

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	Year	Chapter	Subject	
33.	R. L.	103	Plumbing	May 2, 1905
34.	R. L.	104	Sec.s 4, 5, 6, 7, 8, 9, 10, 12, 13. Buildings	Aug. 24, 1905
35.	1906	529	Purification of rivers — Selectmen	Oct. 26, 1906
36.	1906	168	Town Meetings	Sept. 30, 1907
37.	R. L.	78	Sec.s 21-25 inc. Board of Cemetery Commissioners	Nov. 18, 1907
38.	1908	209	Forest fires	March 1, 1909
39.	1910	64	Spy Pond Athletic Field	
40.	R. L.	19	Sec. 37 Civil Service for Police	March 20, 1911
41.	1911	405	Boundary Lines—Cambridge-Arlington—Selectmen	May 22, 1911
42.	1911	G. C.	Counties—Retirement system for employees	Nov. 7, 1911
43.	1911	468	Civil Service Chief Police	March 4, 1912
44.	1912	503	Pensioning laborers	Nov. 5, 1912
45.	1912	635	Tenement House Act (see No. 84)	Nov. 19, 1912
46.	1904	327	Pensioning Permanent Mem. Police & Fire Depts.	March 31, 1913
47.	R. L.	48	Sec. 103 Establishing Building Lines	March 31, 1913
48.	1913	807	Compensation injured public employees—County	Nov. 4, 1913
49.	1913	807	Compensation injured public employees—Town	March 2, 1914
50.	1914	217	Laborers' vacations	Nov. 3, 1914
51.	1914	688	Saturday half-holiday	Nov. 3, 1914
52.	1914	790	Primaries, party enrollment	Nov. 3, 1914
53.	1914	795	Fire Prevention in Metropolitan District	March 1, 1915
54.	1916	57	Special Assistant Assessors	March 6, 1916
55.	1916	98	Constitutional Convention	Nov. 7, 1916
56.	1916	104	New Year's Day Legal Holiday	Nov. 7, 1916
57.	1916	179	Voting in primaries regulated	Nov. 7, 1916
58.	1913	819	Representative support	Nov. 7, 1916
59.	1916	291	Tenure Office—Fire Dept. Chief	March 5, 1917
60.	1916	293	Jitney Act	March 19, 1917
61.	1917	254	Pay of town employees in U. S. Service	March 4, 1918
62.	1917	268	Special Civil Service to school janitors	March 4, 1918

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	Year	Chapter	Subject	
63.	1917	23	Licensing Coffee Houses	March 4, 1918
64.	1917	192	Mill Brook	
65.	1917	338	Park Land—Cemetery	
66.	1918	79	Special Compensation for injuries—Call Firemen (see No. 83)	March 25, 1918
67.	1919	311G	Continuation Schools for employed minors	Nov. 4, 1919
68.	1919	116	Deposits in Savings Banks	Nov. 4, 1919
69.	1907	576	Sec.s 102-105 inc. Municipal Insurance	Sept. 16, 1920
70.	1920	166	Police Officers' day off	Nov. 2, 1920
71.	1920	642	Special Limited Town Meetings	Jan. 24, 1921
72.	G. L.	140	Sec.s 194-196 inc. Renting boats, bathing suits, etc.	Sept. 8, 1921
73.	1921	368	Suits by and against voluntary associations	Nov. 7, 1922
74.	1922	427	Carry into effect 18th Amendment Constitution of U. S.	Nov. 7, 1922
75.	1922	459	District Attorneys—Members of bar	Nov. 7, 1922
76.	G. L.	48	Sec.s 42-44 inc. Fire Dept.	March 28, 1923
77.	G. L.	44	Accounting System—Sec. 35	Dec. 5, 1923
			Voted on by Selectmen	Dec. 10, 1923
78.	G. L.	41	Town Accountant	June 4, 1924
			Voted on by Selectmen	July 1, 1924
79.	1923	370	Manufacture and Transportation Liquor	Nov. 6, 1924
80.	1923	473	Deposit and Transportation of Money—Bonded to State Treasurer	Nov. 4, 1924
81.	1924	27	Reserve Police Force in Arlington	
82.	1924	308	Supplying Water to Winchester	
83.	1918	79	Special Pensioning Call Members—Fire Dept. (see No. 66)	March 26, 1926
84.	1912	635	Tenement House Act Revoked (see No. 45)	March 26, 1926
85.	G. L.	41	Sec. 97 Police Departments	March 26, 1926
86.	G. L.	40	Sec.s 42A and 42F inc., inserted by Chap. 391 Acts of 1923—Relating to Collection of Water Rates	April 7, 1927

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List of Legislative Acts Specially Affecting the Town of Arlington. All Dates Except Where Otherwise Stated Indicate the Date of Acceptance by the Town.

	Year	Chapter	Subject	
87.	G. L.	94	Sec. 120A inserted by Sec. 2 of Chap. 496 of the Acts of 1924—Relating to Fees for Slaughtering	April 7, 1927
88.	1927	145	Board of Survey—Amendment	
89.	G. L.	40	Sec. 13A inserted by Chap. 234 of the Acts of 1923 relating to Insurance Fund Workmen's Compensation	March 21, 1928
90.	G. L.	136	Lord's Day—Sports and Games (see No. 102)	Rejected
91.	G. L.	40	Police and Fire Departments — Uniforms	April 10, 1929
92.	1931	140	Sewer Assessments	Jan. 14, 1931
93.	1932	179	Consolidation and centralization of Authority	Rejected
				June 14, 1932
94.	1921	14	Assistant Assessors	June 21, 1932
95.	G. L.	152	Workmen's Compensation—including foremen, sub-foremen and inspectors	June 21, 1932
96.	1933	218	E. L. Wellington Playground—Conveyance	
97.	G. L.	40	Sec. 12—Bathing Places	March 30, 1932
98.	1933	120	Wines and Malt Beverages	
99.	G. L.	31	Civil Service—Fire Dept.	March 28, 1934
100.	G. L.	136	Lord's Day—Sales	March 28, 1934
101.	G. L.	31	Civil Service—All Town Employees	April 23, 1934
102.	G. L.	136	Lord's Day—Sports and Games (see No. 90)	April 23, 1934
103.	G. L.	43A	Representative Town Meeting Govt.	March 4, 1935
104.	G. L.	41	Vacations for Police and Firemen	March 27, 1935
105.	G. L.	32	Pensions—School Janitors	Rejected
				April 3, 1935
106.	G. L.	115	Regulation of payment of State and Military Aid and Soldiers' Relief, etc.	Rejected
				April 3, 1935
107.	1936	318	Contributory Retirement System	Nov. 3, 1936
108.	1936	112	Park Land, Chestnut St.—Sale	

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	Year	Chapter	Subject	
109	1937	85-S.1	(S.16A-C.147) One day off in seven for Police Officers. Voted on by Selectmen	Jan. 31, 1938
110	1938	371	Changing and establishing portion of Arl-Bel. boundary line and making changes in certain laws relative to the territory affected	Oct. 3, 1938
111	1937	77	Absentee voting in town elections	Oct. 3, 1938
112	1935	309	Rights of persons on reserved spaces in public ways.	Oct. 3, 1938
113	1939	419	(S.13C-C.147) Abolition of reserve police force.	Apr. 5, 1940
114	1938	426-S.2	(S.16B-C.147) One day off in six for Police Officers.	Mar. 19, 1941
115	1941	710	Registration and operation of bicycles.	Mar. 13, 1942
116	G.L.	43A	S.8 — Election of Moderator for term of three years.	Nov. 29, 1943
117	G.L.	40	S.6C — Removal of snow and ice from private ways.	Mar. 6, 1944
118	G.L.	41	S.1 — Election of Tree Warden for term of three years.	Mar. 24, 1944
119	G.L.	74	State-aided vocational education.	Mar. 24, 1944
120	G.L.	115	S.3A — Administration of state or military aid or soldiers' relief.	Mar. 24, 1944
121	G.L.	32	(S.56 to 59, incl.) Retirement of veterans of Spanish and World Wars, Voted on by Selectmen.	Apr. 3, 1944
122	G.L.	40	S.27A — Reconsideration of proposed changes in ordinance or by-law after unfavorable action of town meeting.	Mar. 21, 1945
123	G.L.	40	S.30A — Reconsideration of appeal or petition for variance from terms of ordinance or by-law after unfavorable action of board of appeals.	Mar. 21, 1945
124	1945	447	Vacations to employees after serving in armed forces. Voted on by Selectmen.	Oct. 22, 1945
125	1945	723	Furnishing information, advice and assistance to veterans of World War II or other veterans.	Jan. 2, 1946
126	G.L.	41	S.111B — Sick leaves for laborers, workmen and mechanics	Jan. 2, 1946

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	Year	Chapter	Subject	
127	G.L.	44	S.65 — Authorizing advances of vacation pay.	Mar. 15, 1946
128	1946	372	Housing for Veterans of World War II.	Dec. 2, 1946
129	G.L.	149	S.30 — Six day week for certain public employees and persons employed on public works.	Dec. 2, 1946
130	1946	576	S.6 — Retirement of permanent members of the Police and Fire Departments.	Dec. 2, 1946
131	G.L.	71	S.40 — Equal pay for men and women teachers.	Mar. 3, 1947
132	1946	559	Increases in retirement allowances of former public employees.	Mar. 12, 1947
133	G.L.	48	S.58A — Seventy hour week for permanent members of Fire Department.	Mar. 14, 1947
134	G.L.	41	S.110A — Closing of public offices on Saturdays.	May 20, 1947
135	G.L.	48	S.58B — Forty-eight hour week for permanent members of the Fire Department.	Mar. 1, 1948
136	G.L.	136	S.4B — Licensed operation on Lord's Day of Bowling Alleys.	Mar. 22, 1948
137	G.L.	148	S.56 — Licensing of open-air parking spaces.	Dec. 27, 1948
138	1948	588	Increases of amounts of pensions payable to certain retired public employees and to beneficiaries.	Mar. 7, 1949
139	G.L.	149	S.33A — Forty hour work week for town employees.	Mar. 20, 1950